

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JENNER TORRENCE,)	
)	
Plaintiff,)	
)	No. 24-258
v.)	(Judge Kathryn C. Davis)
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT AND PROPOSED BRIEFING SCHEDULE

Pursuant to Rule 52.2 of the Rules of the United States Court of Federal Claims, the parties respectfully request that the Court establish a schedule for further proceedings in this military pay case.

The plaintiff, Lieutenant Colonel (Retired) Jenner Torrence, is a former member of the United States Air Force. In his complaint, he asserts that he was improperly released from active duty and prevented from serving as a pilot for the last part of his Air Force career, so that he is due back pay, Aviation Career Incentive Pay, and other relief.

The defendant's response to the complaint under RCFC 12(a)(1) currently is due on June 21, 2024. Military pay cases, however, are typically decided on the administrative record. Per RCFC 52.1(c)(3), defendant need not file an answer. *Mission Essential Personnel, LLC v. United States*, 104 Fed. Cl. 170, 176 (2012) (citation omitted) (“[A] motion for judgment on the administrative record brought under RCFC 52.1 can, and in a bid protest, typically does, supplant . . . an answer.”); *see also Sharpe v. United States*, 935 F.3d 1352, 1358 (Fed. Cir. 2019); *Walls v. United States*, 582 F.3d 1358, 1367 (Fed. Cir. 2009); *Crumley v. United States*, 133 Fed. Cl. 607, 611 (Fed. Cl. 2017); *Bateson v. United States*, 48 Fed. Cl. 162, 164 (2000), *aff'd*, 64 F. Appx. 244 (Fed. Cir 2003).

Accordingly, the United States will be filing the Administrative Record in this case no later than **Thursday, July 25, 2024**. The parties are requesting a filing deadline of July 25th for the filing of the Administrative Record because counsel for the parties currently are engaged in dialogue concerning the contents of record in this matter, and they are hoping to resolve their concerns without having to resort to motions practice before the Court.

Counsel for the parties also have conferred concerning a briefing schedule and respectfully propose the following schedule for the Court's consideration:

Plaintiff files its motion for judgment on the administrative record on or before **Thursday, August 22, 2024**;

Defendant files its cross-motion for judgment, and response to plaintiff's motion, on or before **Thursday, September 19, 2024**;

Plaintiff files its response and reply on or before **Thursday, October 10, 2024**; and

Defendant files its reply on or before **Thursday, October 31, 2024**.

If the foregoing briefing schedule is acceptable to the Court, the parties respectfully request that the Court issue a scheduling order memorializing the schedule.

Respectfully submitted,

/s/Sean C. Timmons

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